

A F F I D A V I T

Affiant, Joe Herman, being duly sworn deposes and says:

1. He is an Alabama State Trooper, assigned as an agent for the Alabama Bureau of Investigation's Narcotics Operations Service, and detailed to the Major Investigation Team of the High Intensity Drug Trafficking Area Task Force (HIDTA), which are both located at the Investigative Operations Center in Montgomery, Alabama. Agent Herman is cross-designated and federally deputized by the United States Drug Enforcement Administration (DEA) which empowers him with authority under Title 21, United States Code. He has twenty-two years of law enforcement experience in which the past twelve have been extensively directed in narcotics investigations. The facts and information in this affidavit are based on Agent Herman's personal knowledge and the knowledge of other law enforcement officers.

2. Over the past eighteen months, and on a consistent basis, agents assigned to the Montgomery DEA Office and to the Montgomery Police Department Special Operations Unit (a specialized unit tasked with enforcing narcotics violations) have received information regarding Santo COLEMAN and his ongoing illegal drug trafficking activity. I have spoken with Special Agent Neill Thompson, who informed me that he personally has received information from several reliable confidential sources who state that COLEMAN is a multi-kilogram cocaine distributor, and also distributes large quantities of marijuana (hundreds of pounds) in the Montgomery area.

3. On Tuesday, August 8, 2006, at approximately 6:30pm, Alabama State Trooper Charlton Martin stopped a silver Ford Focus traveling north bound on Interstate 65 near the Bay Minette exit for a traffic violation. Trooper Martin identified the driver as Alberto Villarreal who was the sole occupant in the Ford Focus. During the stop,

Trooper Martin sought and obtained both verbal and written consent to search the Ford Focus from Villarreal, and Trooper Captain Ed Odem responded to assist Trooper Martin.

4. A search of the Ford Focus revealed a hidden compartment under the car's rear seat. Trooper Martin searched the compartment and that search disclosed what Trooper Martin believed were three kilograms of cocaine. Trooper Martin conducted a field test of one of the kilograms and that test indicted a positive reaction for the presence of cocaine.

5. Trooper Martin arrested Villarreal and advised Villarreal of his rights which was witnessed by Captain Odem. Villarreal acknowledged possession of the cocaine and told Trooper Martin that the cocaine was destined to a person in Montgomery, Alabama. Villarreal agreed to cooperate with law enforcement officials in furthering the investigation.

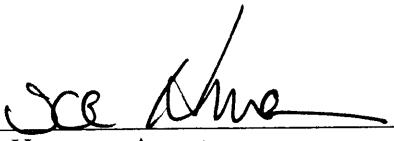
6. According to Villarreal, he had been receiving instructions telephonically from a person named Rick LNU, who Villarreal had met in a bar in San Antonio, Texas. Villarreal said that he was to drive the Ford Focus to the Holiday Inn on the Eastern Boulevard, leave the car in the hotel parking lot, and get a hotel room. Villarreal would then wait at the hotel while person(s) unknown would pick up the Ford Focus, unload the cocaine, and bring the car back to the hotel for Villarreal. Villarreal said that about two weeks ago, he drove to Montgomery in preparation for the cocaine delivery and met two black males. Villarreal described the first black male as being in his forties, heavy set, and drove a four door black new model regular size Chevrolet pick-up truck. Villarreal identified this subject as Santo Coleman from a photograph line-up. The second black male was described as being in his late twenties, and of thin build. Based on the information provided by Villarreal, agents continued the investigation.

7. At approximately 9:30pm agents initiated surveillance of the Holiday Inn and noticed a black four door new model Chevrolet pick-up truck parked in front of the Waffle House that adjoins the Holiday Inn. Agents observed a black male later identified as Harry Jones enter the passenger side of the Chevrolet pick-up truck. Villarreal subsequently arrived at the Holiday Inn and received a phone call instructing him to go to the Drury Inn. Agents then observed the black Chevrolet pick-up truck start driving slowly through the Holiday Inn parking lot. The black Chevrolet pick-up and Villarreal's vehicles met and Villarreal was instructed to follow them. Villarreal did so and the two vehicles traveled to the parking lot of the Wynngate hotel on the Eastern Boulevard. Agents Herman and Aponte arrived and approached the black Chevrolet pick up truck, bearing Alabama license plate ABJ138, later found to be registered to Santo Coleman, and the same black Chevrolet truck that Herman and Aponte identified while observing the Holiday Inn. Upon announcing their presence as police officers, the Chevrolet pick-up truck consequently sped away at a high rate of speed, crossing over the curb and grassy area in front of the Wynngate hotel. After a brief vehicle pursuit the black Chevrolet pick-up truck drove through a fence and wrecked into a tree at the end of Park Drive in Montgomery. Both occupants fled on foot through a wooded area.

8. Montgomery Police Department canine units were summoned to the scene and tracked the suspects. Harry Jones who was identified by agents as being the passenger in the black Chevrolet pick-up truck was subsequently arrested in a back yard of a residence in the vicinity. In Jones' possession was about \$5100.00 and approximately one ounce of marijuana. Coleman, the driver of the Chevrolet pick up truck was not located after a search of the area.

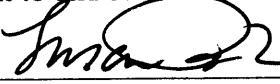
9. At the HIDTA office in Montgomery, Villarreal was shown a photograph line-up. Villarreal subsequently identified Santo Coleman as the driver of the black Chevrolet pick-up truck. Villarreal also was shown a photograph of Jones, who Villarreal identified as the Chevrolet pick-up truck's passenger.

10. A search of the Chevrolet pick-up truck revealed documents including a cellular telephone bill relating to Coleman.


Joe Herman, Agent

Alabama Bureau of Investigation

Sworn to and subscribed before me this 9th day August 2006


Susan Russ Walker
United States Magistrate Judge